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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,950	01/29/2002	Hirochika Matsuoka	03560.002986.	3587

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EXAMINER	
RAHMJOO, MANUCHER	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,950	MATSUOKA ET AL.	
	Examiner	Art Unit	
	Mike Rahmjoo	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-18 and 21-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-18,21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 16- 18 and 21- 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Beretta et al (US Patent 5,416,890).

As per claims 16 and 21- 23 and as to the broadest reasonable interpretation by examiner, Beretta teaches a color-distribution-information means for inputting color coordinate values in a second color system corresponding to sample points in a first color system see for example fig. 9 and column 19 lines 20- 25 for RGB into XYZ and

LAB values corresponding to sample points in a first color system; means for inputting a user instruction relating to an operation of generating a three dimensional object in the second color system see for example fig. 1, fig. 21- 25 and col. 13 lines 30- 35 for the user input for interacting with GUI 10 (corresponding to user instructions) and color editing means for performing color editing functions on the display means corresponding to generating a three dimensional object; a selector to select sample points in accordance with said user instructions from the sample points in the first color system and obtaining the color coordinate values in the second color system corresponding to said selected sample points see for example fig. 21- 25 and fig. 26 for procedure 390 for computing the graphics data (corresponding to sample points) needed to display the gamut in the new current space (corresponding to second color space) which takes as input the value of the current color space and the gamut coordinates (corresponding to the color values of the second color space) just computed in procedure 370; a generator to generate surface information of the three-dimensional-object based on the obtained color coordinate values in the second color system and generating color information of the surface of the three dimensional object based on the obtained color coordinate values in the second color system see for example fig.16 a- b for color editing according to the graphical user interface, showing color representation in three- dimensional rectangular and cylindrical coordinate systems corresponding to generation step and also fig. 26 steps 390- 399 corresponding to generation of surface information; a display (fig. 1 block 30) to display color distribution based on the surface information of the three dimensional object and

the color information of the surface see for example fig. 32 and column 50 lines 50- 67 for plotting three dimensional solid of reproducible colors in any available color space (corresponding to distribution based on surface information of the three dimensional object along with the outermost boundaries defining the reproducible colors corresponding color information of the surface).

As per claim 17 Beretta teaches the sample points are regularly placed in the form of a grid in the first color system see for example fig. 4,6,7 and 9 for set of values in the form of a grid.

As per claim 18 Beretta teaches in said user's instruction input step, the user's instructions input step of inputting grid ranges for each color component in the first color system, and said generation step of generating the surface information of the three-dimensional-object is based on the obtained color coordinates of the sample points within the grid ranges see for example column 19 lines 45- 55 wherein the user changes the color space, each of the colors, currently plotted (corresponding to displaying) according to coordinates in one color space (corresponding to first color system), is converted to the color value representation in the newly requested color space (corresponding to second color system) and plotted in the correct location in the new color space corresponding to the color representation in the second color space.

Response to Arguments

Applicant's arguments filed 09/20/2006 have been fully considered but they are not persuasive.

As per applicant's remarks on page 8 applicant argues beretta does not teach "generating surface information of the three-dimensional-object based on the obtained color coordinate values in the second color system and generating color information of the surface of the three dimensional object based on the obtained color coordinate values in the second color system".

Examiner respectfully disagrees.

Examiner points out to a generator to generate surface information of the three-dimensional-object based on the obtained color coordinate values in the second color system and generating color information of the surface of the three dimensional object based on the obtained color coordinate values in the second color system see for example fig.16 a- b for color editing according to the graphical user interface, showing color representation in three- dimensional rectangular and cylindrical coordinate systems corresponding to generation step and also fig. 26 steps 390- 399 corresponding to generation of surface information and also column 50 lines 50- 67 for plotting three dimensional solid of reproducible colors in any available color space (corresponding to distribution based on surface information of the three dimensional object along with the outermost boundaries defining the reproducible colors corresponding color information of the surface). Said reproducible colors as recited as corresponding to color information of the surface are generated in the same color system. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without

specifically pointing out how the language of the claims patentably distinguishes them from the references.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

October 7, 2006

KEE M. TUNG
SUPERVISORY PATENT EXAMINER